

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y  
★ SEP 21 2006 ★

P.M. \_\_\_\_\_  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ROGER L. BAILLARGEON,

Petitioner,

-against-

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Respondent.  
-----X

JUDGMENT  
04-CV- 2510 (CBA)

An Order of Honorable Carol Bagley Amon, United States District Judge, having been filed on September 20, 2006, remanding the case to the Commissioner for further proceedings consistent with the Court's oral ruling, pursuant to 42 U.S.C. § 405(g); ordering that on remand, the Commissioner should consider whether the petitioner is entitled to benefits dating back from August 14, 1999 through September 5, 2001; directing that in doing so, the Commissioner shall properly apply the treating physician rule and consider medical reports of Dr. Applebaum that were not before the Commissioner in its initial determination; ordering that the Commissioner shall also address evidence of the worsening of petitioner's condition from May 2000 forward; and the Commissioner shall not reconsider its determination that the petitioner was eligible for benefits commencing September 6, 2001; it is

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ORDERED and ADJUDGED that the case is remanded to the Commissioner for further proceedings consistent with the Court's oral ruling, pursuant to 42 U.S.C. § 405(g); that on remand, the Commissioner should consider whether the petitioner is entitled to benefits dating back from August 14, 1999 through September 5, 2001; that in doing so, the Commissioner shall properly apply the treating physician rule and consider medical reports of Dr. Applebaum that were not before the Commissioner in its initial determination; that the Commissioner shall also address evidence of the worsening of petitioner's condition from May 2000 forward; and that the Commissioner shall not reconsider its determination that the petitioner was eligible for benefits commencing September 6, 2001.

Dated: Brooklyn, New York  
September 20, 2006

/s/  
ROBERT C. HEINEMANN  
Clerk of Court